

Message Text

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ACTION EA-14

INFO OCT-01 EUR-25 ADP-00 CIAE-00 DODE-00 PM-09 H-02

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 COME-00 EB-11 LAB-06 SIL-01 ACDA-19 AEC-11

GAC-01 IO-12 SAJ-01 SCI-06 NASA-04 RSR-01 /179 W

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R 770710 Z MAY 73

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 941

INFO AMEMBASSY PARIS

AMEMBASSY WELLINGTON

CINCPAC

CINCPACREP CANBERRA

C O N F I D E N T I A L CANBERRA 2759

CINCPAC FOR POLAD

E. O. 11652: GDS

TAGS: ELAB, PFOR, FR, AS

SUBJ: PRIME MINISTER WHITLAM PONDERES RESPONSE TO TRADE

UNION BANS ON SERVICES TO FRENCH SERVICES IN AUSTRALIA.

REF: CANBERRA 2736

1. BEGIN SUMMARY: PRIME MINISTER WHITLAM APPEARS TO BE
CONSIDERABLY PERPLEXED AS TO ACTION TO TAKE ON TRADE

UNION BAN ON FRENCH (REFTEL). IN RESPONSE TO QUESTION
IN PARLIAMENT MAY 16 HE SAID HE WAS CONSIDERING
LEGISLATION TO MAKE IT AN OFFENCE FOR PERSONS TO
BREAK INTERNATIONAL AGREEMENT TO WHICH AUSTRALIA IS A
PARTY. HOWEVER, LEGISLATION IS IN ANTI- RACIAL DIS-
CRIMINATION FIELD AND CANNOT BE INTRODUCED IN NEAR
FUTURE. WHITLAM HAS DECLINED TO AGREE TO NASA SUPPORT
OF FRENCH TECHNOLOGICAL AND AIR DENSITY SATELLITE
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DUE FOR LAUNCH MAY 19, EVEN THOUGH HE AWARE IT IS NOT INVOLVED IN FRENCH TESTS. END SUMMARY.

2. IN QUESTION PERIOD IN PARLIAMENT MAY 16 PRIME MINISTER WHITLAM WAS ASKED BY PHILLIP LYNCH (FORMER LIBERAL MINISTER FOR LABOR) AND B. M. SNEDDEN (OPPOSITION LEADER) WHAT GOA PLANNED TO DO NOW THAT ACTU HAS APPROVED BAN ON SERVICES TO FRENCH ENTITIES IN AUSTRALIA DESPITE REQUEST OF PRIME MINISTER (REFTEL).

3. IN REPLY, WHITLAM SAID, QTE THE GOVERNMENT IS CONTEMPLATING LEGISLATION-- IT CANNOT INTRODUCE IT THIS SESSION-- WHICH WILL MAKE IT AN OFFENCE FOR PERSONS TO BREAK INTERNATIONAL AGREEMENTS TO WHICH AUSTRALIA IS OR BECOMES A PARTY OR TO INCITE SUCH BREACKES. THE PARTICULAR LEGISLATION I HAVE IN MIND IS IN THE RACIAL DISCRIMINATION FIELD, WHERE IT WOULD APPEAR TO BE NECESSARY FOR US TO USE THE EXTERNAL AFFAIRS POWER IN ORDER TO OVERRIDE STATE LEGISLATION.... END QTE.

4. NASA REP IN AUSTRALIA HAS BEEN INFORMED BY AUSTRALIAN DEPT. OF SUPPLY THAT PRIME MINISTER WHITLAM DECIDED EVENING OF MAY 16 TO WITHHOLD AUSTRALIAN APPROVAL OF SUPPORT BY NASA TRACKING STATION AT ORRORAL VALLEY (NEAR CANBERRA) OF FRENCH TECHNOLOGICAL AND AIR DENSITY SATELLITE CALLED QTE D5 A/ D5 B END QTE WHICH DUE TO BE LAUNCHED FROM COUROU, FRENCH GUIANA, MAY 19. NASA AUSTRALIA SUPPORT FOR FRENCH SATELLITE, WHICH NOT IN ANY WAY CONNECTED WITH FRENCH NUCLEAR TESTS, WAS REQUESTED BY FRANCE THROUGH CNES TO PROVIDE ADDITIONAL TRACKING SUPPORT FOR SATELLITE. DPET. OF SUPPLY TOLD NASA REP THAT PRIME MINISTER HAD ORIGINALLY DECIDED TO APPROVE SUPPORT OF FRENCH SATELLITE ON BASIS THAT NO PUBLICITY WOULD BE GIVEN TO DECISION. DEPT. OF SUPPLY POINTED OUT TO WHITLAM THAT IMPOSSIBLE TO ASSURE NO PUBLICITY, SINCE TRADE UNION AT TRACKING STATION ALREADY AWARE THAT FRENCH SATELLITE ABOUT TO BE LAUNCHED AND HAD HELD MEETING TO DECIDE WHAT ACTION TO TAKE. PRIME MINISTER THEN DECIDED TO WITHHOLD APPROVAL OF NASA SUPPORT FOR FRENCH SATELLITE. GOA APPROVAL REQUIRED SINCE SUPPORT IS FOR NON- NASA ACTIVITY.

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5. EMBASSY HAS NOTIFIED FRENCH EMBASSY CANBERRA OF GOA DECISION.

6. COMMENT: PRIME MINISTER' S REFERENCE TO LEGISLATION UNDER PREPARATION TO MAKE IT AN OFFENCE FOR PERSONS TO BREAK INTERNATIONAL AGREEMENTS OR TO INCITE SUCH BREACHES APPEARS TO BE OFF THE CUFF REACTION RATHER THAN CONSIDERED RESPONSE

TO QUESTION. ACTU ACTION REALLY PUTS HIM ON THE SPOT AS EXPERIENCED LAWYER COMMITTED TO CONCEPT OF CARRYING OUT INTERNATIONAL AGREEMENTS. AMENDMENTS TO CONCILIATION AND ARBITRATION CURRENTLY BEFORE SENATE ABOLISH PENALTIES FOR VIOLATION OF ARBITRATION DECISIONS, LARGELY ON BASIS THAT PENALTIES HAVE PROVEN IMPOSSIBLE TO COLLECT AND EXACERBATED LABOR RELATIONS GENERALLY. PENALTIES ASSESSED AGAINST LABOR UNIONS WHICH TAKE ACTION PLACING AUSTRALIA IN VIOLATION OF INTERNATIONAL AGREEMENTS WOULD PROBABLY PROVE TO BE EQUALLY IMPOSSIBLE TO COLLECT. ISSUE OF GOVERNMENT CONSISTENCY WOULD ALSO BE INVOLVED.

7. WHITLAM'S VACILLATION ON ISSUE OF AGREEING TO NASA SUPPORT OF FRENCH SATELLITE SHOWS HE IS KEENLY AWARE OF DIFFICULT SITUATION HE WOULD BE IN IF HE APPROVES SUPPORT AT TIME HE IS PRESSING FRANCE ON NUCLEAR TESTS. MOREOVER, IF TRADE UNION AT NASA FACILITY STRIKES ON ISSUE (AS IT DID LAST YEAR DURING FRENCH TESTS), GOA WILL BE ONCE AGAIN PLACED IN POSITION OF BEING UNABLE TO DO ANYTHING TO PREVENT DETERMINED TRADE UNION FROM IGNORING GOVERNMENT. RICE

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